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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,139	10/12/2000	John Jianhua Chen	S63.2-9178	7998

490 7590 12/23/2002

VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/23/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

AS6

Office Action Summary

Application N .

09/689,139

Applicant(s)

CHEN, JOHN JIANHUA

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 31 is/are pending in the application.
- 4a) Of the above claim(s) 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims

1. Pursuant to entry of the amendment in the response dated 09 July 2002 (Paper No. 5), claims 1-19 and 31 are pending.

Election/Restrictions

2. Newly submitted claim 31 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the restriction requirement set out in Paper No. 3, which was not traversed in the response of 09 July 2002 (Paper No. 5) is deemed proper and is maintained.
3. Claim 31 is to a method of making catheter balloons and is grouped with nonelected claims 20-30, which were cancelled in Paper No. 5. Therefore, claim 13 is withdrawn as nonelected.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 21 March 2002 (Paper No. 4) was considered by the examiner.

Rejections Withdrawn

5. The 35 USC 112 rejection of claim 15 is withdrawn in view of applicant's amendment in Paper No. 5.

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6. The 35 USC 103 rejection of claims 1-4, 8-13 and 15-17 and 19 as unpatentable over Wand et al (US 5,348,538) in view of Fritz et al (US 5,735,830), as stated in s. 9 of the Office Action dated 04 April 2002 (Paper No. 3) is withdrawn in order to apply the new ground of rejection set out below.

7. The 35 USC 103 rejection of claims 5-7, 14 and 18 as unpatentable over Wand in view of Schmid (US 5,055,249), as set out in s. 10 of Paper No. 3, is withdrawn in order to apply the new ground of rejection set out below.

New Rejections

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 8-13, 15-17 and rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz in view of Wang.

Fritz, Wang and their analogousness are discussed in s. 9 of Paper No. 3.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the compositions of Fritz to make the catheters of Wang in order to make them heat sterilizable.

The motivation to employ the compositions of Fritz to make sterilizable catheters is found at col. 2, lines 29-31 of Fritz, where steam sterilizability is taught.

It is deemed desirable to make catheters and components thereof that are steam sterilizable so that pathogens may be killed or removed therefrom.

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9. Claims 5-7, 14 and 18 are rejected under 35 USC 103 as unpatentable over Wang in view of Schmid.

Wang, Schmid and their analogousness are discussed in s.10 of Paper No. 3.

They are analogous because they both deal with polyamide-base articles.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the polyamide- and silane-containing compositions of Schmid in the production of the catheters of Wang in order to give the Wang catheters better mechanical properties.

Motivation to employ the compositions of Schmid to make the Wang catheters is found in Schmid at col. 4, lines 35+, where improved mechanical properties such as yield strength and better creep under load, are taught.

It is deemed desirable to make catheters having improved yield strength and creep resistance in order to facilitate their effective use.

Response to Arguments

10. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

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If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The fax number for after final communications is 703/872-9310. The receptionist answers 703/308-0661.



S. M. Nolan
Patent Examiner
Technology Center 1700

SMN/smn
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December 19, 2002